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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,787	02/11/2004	Matthew R. Williams	MCK-100US	3245

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RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

EXAMINER	
SUN, XIUQIN	
ART UNIT	**PAPER NUMBER**
2863	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/776,787	WILLIAMS, MATTHEW R.	
	Examiner	Art Unit	
	Xiuqin Sun	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02/11/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarola et al. (U.S. Pat. No. 5715178) in view of Winston et al. (U.S. Pub. No. 20050005713) and Nixon et al. (U.S. Pub. No. 20020130846).

With respect to claim 1:

Scarola et al. teach a system for monitoring a process parameter, said system comprising: a computer configured to receive data corresponding to a process parameter (Fig. 2, #70; col. 15, lines 39-46; col. 33, lines 14-31 and lines 36-50); at least one sensor configured to measure the process parameter, said at least one sensor being coupled for communication of data corresponding to the process parameter to said computer (col. 33, lines 14-31 and lines 36-50); and an interface configured for communicating data corresponding to the process parameter from said at least one sensor, said interface being configured to provide data to said computer as a secondary measurement of the process parameter (col. 33, lines 14-31 and lines 36-50).

Scarola et al. do not mention expressly: a portable computer coupled to said interface is used to provide said data to said computer.

Winston et al. disclose a portable apparatus for measuring process parameters, comprising: at least one sensor configured to measure a process parameter, said at least one sensor being coupled to a portable computer; an interface, configured for communicating data corresponding to the process parameter from said at least one sensor, to provide measurements of the process parameter to a remote location via said portable computer (section 0021, lines 1-4; section 0022; section 0024, lines 1-4 and section 0026, lines 3-8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Winston et al. in the invention of Scarola et al. in order to provide a distinct way to calibrate or validate the measurement of a process parameter by an external sensor (e.g., a portable sensor), as motivated by Scarola et al. (col. 15, lines 39-46) and Nixon et al. (section 0040).

With respect to claims 2-9:

The teaching of Scarola et al. further includes: a primary sensor coupled for communication of data corresponding to the process parameter to said computer (col. 15, lines 39-49; col. 33, lines 14-31 and lines 36-50); said computer is configured to provide an alarm when data communicated from said at least one sensor to said computer indicates that the process parameter is outside of a predetermined range (cols. 11-12, lines 56-12).

Scarola et al. do not mention expressly: regarding claim 2, a secondary sensor configured to provide data to said portable computer; regarding claim 3, said secondary sensor is a portable sensor, and said interface is a portable interface, said secondary sensor being configured for portable use with said interface and said portable computer; regarding claim 4, said system of claim 1 additionally comprising the portable computer; regarding claim 5, said portable computer includes an analog to digital converter configured for receiving analog data from said interface and converting the analog data to digital data for transmission to said computer; regarding claim 7, said interface is configured to communicate with said at least one sensor through at least one of a hard wired, infra-red and wireless connection; regarding claim 8, said interface is a portable interface configured for portable use with the portable computer; regarding claim 9, said interface is configured to communicate identification data corresponding to said at least one sensor to the portable computer along with data corresponding to the process parameter.

The teaching of Winston et al. includes: an additional sensor configured to provide data to said portable computer (section 0021); said sensor is a portable sensor, and said interface is a portable interface, said sensor being configured for portable use with said interface and said portable computer (sections 0021, 0022, 0024 and 0026); said portable computer includes an analog to digital converter configured for receiving analog data from said interface and converting the analog data to digital data for transmission to said computer (section 0022); said interface is configured to communicate with said at least one sensor through at least one of a hard wired,

infra-red and wireless connection (section 0026, lines 3-7); said interface is a portable interface configured for portable use with the portable computer (section 0022); and said interface is configured to communicate identification data corresponding to said at least one sensor to the portable computer along with data corresponding to the process parameter (sections 0021 and 0022).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Winston et al. in the invention of Scarola et al. in order to provide a distinct way to calibrate or validate the measurement of a process parameter by an external sensor (e.g., a portable sensor controlled by a portable computer), as motivated by Scarola et al. (col. 15, lines 39-46) and Nixon et al. (section 0040).

With respect to claim 12:

Scarola et al. teach a system for monitoring a process parameter, said system comprising: a computer configured to receive data corresponding to a process parameter (Fig. 2, #70; col. 15, lines 39-46; col. 33, lines 14-31 and lines 36-50); a primary sensor configured to measure the process parameter, said primary sensor being coupled for communication of data corresponding to the process parameter to said computer (col. 15, lines 39-46; col. 33, lines 14-31 and lines 36-50); a secondary sensor configured to measure the process parameter as a secondary measurement of the process parameter (col. 15, lines 39-46; col. 33, lines 14-31 and lines 36-50); an interface configured to receive secondary data corresponding to the process parameter from said secondary sensor (col. 33, lines 14-31 and lines 36-50); and said computer

configured to retrieve secondary data corresponding to the process parameter from said interface, said secondary being used to verify the measurement of said primary sensor (col. 15, lines 39-46; col. 33, lines 14-31 and lines 36-50).

Scarola et al. do not mention expressly: a portable computer is configured to retrieve secondary data corresponding to the process parameter from an interface that is configured to receive said secondary data from said secondary sensor, said portable computer being configured to transmit the secondary data to the host computer to verify the measurement of said primary sensor.

Winston et al. disclose a portable apparatus for measuring process parameters, comprising: at least one portable sensor configured to measure a process parameter, said sensor being coupled to a portable computer; an interface, configured for communicating data corresponding to the process parameter from said sensor, to provide measurements of the process parameter to a remote location via said portable computer (section 0021, lines 1-4; section 0022; section 0024, lines 1-4 and section 0026, lines 3-8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Winston et al. in the invention of Scarola et al. in order to provide a distinct way to calibrate or verify the primary measurement of a process parameter by a secondary sensor (e.g., a portable sensor), as motivated by Scarola et al. (col. 15, lines 39-46) and Nixon et al. (section 0040).

With respect to claims 13-17:

Scarola et al. teach the system that includes the subject matter discussed above. The teaching of Scarola et al. further includes: said computer is configured to provide an alarm when data communicated from said at least one sensor to said computer indicates that the process parameter is outside of a predetermined range (cols. 11-12, lines 56-12).

Scarola et al. do not mention expressly: regarding claim 13, said secondary sensor is a portable sensor, and said interface is a portable interface, said secondary sensor being configured for portable use with said interface and said portable computer; regarding claim 14, said portable computer includes an analog to digital converter configured for receiving analog data from said interface and convérting the analog data to digital data for transmission to said computer; regarding claim 16, said interface is a portable interface configured for portable use with the portable computer; regarding claim 17, said interface is configured to communicate identification data corresponding to said at least one sensor to the portable computer along with data corresponding to the process parameter.

The teaching of Winston et al. includes: an additional sensor configured to provide data to said portable computer (section 0021); said sensor is a portable sensor, and said interface is a portable interface, said sensor being configured for portable use with said interface and said portable computer (sections 0021, 0022, 0024 and 0026); said portable computer includes an analog to digital converter configured for receiving analog data from said interface and converting the analog data to digital data for transmission to said computer (section 0022); said interface is configured to

communicate with said at least one sensor through at least one of a hard wired, infra-red and wireless connection (section 0026, lines 3-7); said interface is a portable interface configured for portable use with the portable computer (section 0022); and said interface is configured to communicate identification data corresponding to said at least one sensor to the portable computer along with data corresponding to the process parameter (sections 0021 and 0022).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Winston et al. in the invention of Scarola et al. in order to provide a distinct way to calibrate or validate the measurement of a process parameter by an external sensor (e.g., a portable sensor controlled by a portable computer), as motivated by Scarola et al. (col. 15, lines 39-46) and Nixon et al. (section 0040).

With respect to claim 19:

Scarola et al. teach a method of verifying a measurement of a process parameter, said method comprising the steps of: measuring a process parameter with at least one sensor (col. 15, lines 39-46); transmitting data corresponding to the measured process parameter to a computer via a coupling between the at least one sensor and the computer (Fig. 2, #70; col. 15, lines 39-46); retrieving secondary data corresponding to the measured process parameter from the at least one sensor using an interface (col. 15, lines 39-46; col. 33, lines 14-31 and lines 36-50); and transmitting the secondary data to the computer (col. 15, lines 39-46; col. 33, lines 14-31 and lines 36-50).

Scarola et al. do not mention expressly: transmitting the secondary data to the computer via a portable computer.

Winston et al. disclose a portable apparatus for measuring process parameters, comprising: at least one portable sensor configured to measure a process parameter, said sensor being coupled to a portable computer; an interface, configured for communicating data corresponding to the process parameter from said sensor, to provide measurements of the process parameter to a remote location via said portable computer (section 0021, lines 1-4; section 0022; section 0024, lines 1-4 and section 0026, lines 3-8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Winston et al. in the invention of Scarola et al. in order to provide a distinct way to calibrate or verify the primary measurement of a process parameter by a secondary sensor (e.g., a portable sensor), as motivated by Scarola et al. (col. 15, lines 39-46) and Nixon et al. (section 0040).

With respect to claims 20-24:

Scarola et al. teach the method that includes the subject matter discussed above. The teaching of Scarola et al. further includes: a first sensor being coupled to said computer, said retrieving step including retrieving the secondary data from the second sensor (col. 15, lines 39-49; col. 33, lines 14-31 and lines 36-50); the process parameter is measured to be outside of a predetermined range during said measuring step (cols. 11-12, lines 56-12); providing an alarm indicating that the process parameter is outside of the predetermined range (cols. 11-12, lines 56-12); the secondary data transmitted to

the computer with the data corresponding to the measured process parameter to verify if the process a parameter is outside of the predetermined range (cols. 11-12, lines 56-12); said step of transmitting data includes transmitting identification data corresponding to the at least one sensor to the computer along with the data corresponding to the a measured process parameter (col. 15, lines 47-57).

With respect to claims 10, 11, 18, 25 and 26:

It is obvious that the subject matters recited in claims 10, 11, 18, 25 and 26 are merely intended uses of the invention taught by the combination of Scarola, Winston and Nixon, as discussed above. It has been held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In this case, it is deemed that the invention taught by the combination of Scarola, Winston and Nixon is generic, in terms of functionality and structure, to any system of process parameter monitoring. In view of the teachings disclosed by Scarola, Winston and Nixon, one having ordinary skill in the art at the time the invention was made would be able to apply the same configuration as the combination of Scarola, Winston and Nixon to develop a system for monitoring a temperature of a blood storage environment. The mere application of a known invention does not provide any patentable weight.

Prior Art Citations

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Dawley (U. S. Pat. No. 4441329) is entitled "Temperature control system".

2) Elsbree et al. (U. S. Pub. No. 20030107588) is entitled "Graphical human-machine interface on a portable device".

3) Hsiung et al. (U. S. Pub. No. 20030109951) is entitled "Monitoring system for an industrial process using one or more multidimensional variables".

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xiuqin Sun
Examiner
Art Unit 2863

XS
May 27, 2005

MICHAEL NGHIEM
PRIMARY EXAMINER